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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SOUTHERN ILLINOIS LABORERS' AND  
EMPLOYERS HEALTH AND WELFARE )  
FUND; NECA-IBEW WELFARE TRUST )  
FUND; MIDWESTERN TEAMSTERS )  
HEALTH AND WELFARE FUND; THE )  
WELFARE FUND OF TEAMSTERS LOCAL )  
UNION 863; PLUMBERS & PIPEFITTERS )  
LOCAL UNION 630 WELFARE TRUST )  
FUND; CLEVELAND BAKERS AND )  
TEAMSTERS HEALTH AND WELFARE )  
FUND; ELECTRICAL WORKERS BENEFIT )  
TRUST FUND; FIRE & POLICE RETIREE )  
HEALTH CARE FUND, SAN ANTONIO, )  
LABORERS' DISTRICT COUNCIL )  
BUILDING AND CONSTRUCTION )  
HEALTH AND WELFARE FUND; )  
LABORERS' DISTRICT COUNCIL HEAVY )  
AND HIGHWAY UTILITY HEALTH AND )  
WELFARE FUND, and NEW YORK CITY )  
POLICE SERGEANTS BENEVOLENT )  
ASSOCIATION HEALTH & WELFARE )  
FUNDS, individually, and on behalf of all )  
others similarly situated, )

Plaintiffs, )

v. )

PFIZER INC., )

Defendant. )

**No. 08cv5175 (SHS)  
ECF Case**

Electronically Filed

**DEFENDANT PFIZER INC'S NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Mark S. Cheffo, Defendant Pfizer Inc (“Pfizer”), by their attorneys, Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, New York, 10036, will move in the United States District Court for the Southern District of New York, before the Honorable Sidney H. Stein, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, as soon as counsel may be heard, for an Order granting Pfizer’s Motion to Dismiss Plaintiffs’ Second Amended Complaint, pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(1), and Rule 12(b)(6). Pursuant to the Stipulation and Order entered by this Court on July 16, 2008 [D.E. 9], Pfizer’s Motion, filed herewith, shall supersede its Motion to Dismiss filed in the transferor court [N.D. Ill. D.E. 153], on which further briefing was stayed by agreement and order of the transferor court, pending its decision on transfer to this Court.

Dated: New York, New York  
July 24, 2008

Respectfully submitted,

/s/ Mark S. Cheffo  
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